

Translation

PATENT COOPERATION TREATY

PCT/EP2003/008544



PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter II of the Patent Cooperation Treaty)

08 FEB 2005

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference K 59 663/7ch	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/EP2003/008544	International filing date (day/month/year) 01 August 2003 (01.08.2003)	Priority date (day/month/year) 09 August 2002 (09.08.2002)
International Patent Classification (IPC) or national classification and IPC B42D 15/00		
Applicant GIESECKE & DEVRIENT GMBH		

1.	This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2.	This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.
3.	This report is also accompanied by ANNEXES, comprising: <ul style="list-style-type: none"> a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows: <ul style="list-style-type: none"> <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (sent to the International Bureau only) a total of _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4.	This report contains indications relating to the following items: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand 03 March 2004 (03.03.2004)	Date of completion of this report 31 January 2005 (31.01.2005)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2003/008544

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This report is based on translations from the original language into the following language _____, which is language of a translation furnished for the purpose of:

- ☐ international search (under Rules 12.3 and 23.1(b))
- ☐ publication of the international application (under Rule 12.4)
- ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

☐ The international application as originally filed/furnished

☒ the description:

pages _____ 1-18 _____, as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

☒ the claims:

pages _____ 1-26 _____, as originally filed/furnished

pages* _____, as amended (together with any statement) under Article 19

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

☒ the drawings:

pages _____ 1/9-9/9 _____, as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages _____

☐ the claims, Nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (*specify*): _____

☐ any table(s) related to sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages _____

☐ the claims, Nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (*specify*): _____

☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

Intern application No.

PCT/EP 03/08544

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	5-7, 9, 10, 18, 19, 21	YES
	Claims	1-4, 8, 11-17, 20, 22-26	NO
Inventive step (IS)	Claims		YES
	Claims	1-26	NO
Industrial applicability (IA)	Claims	1-26	YES
	Claims		NO

2. Citations and explanations

1. Reference is made to the following documents:

D1: WO-A-9938038
D2: US-B1-6396927
D3: EP-A-0353974.

2. The subject matter of claims 1-4, 8, 11-17, 20 and 22-26 is not novel.

Claim 1:

The subject matter of claim 1 is known from document D1 (see in particular page 1, line 2 to page 7, line 15 and figure 5), D2 (see in particular column 4, line 46 to column 5, line 23 and figure 3) or D3 (see in particular column 2, line 37 to column 3, line 19 and figure 3).

The expression "linear structural elements" is broad: it encompasses all structural elements that have length and are continuous.

In document D1, the strips of the surface portions with the defraction grids, as represented in figure 5, are triangular. They form a halftone image. A triangle can

be viewed in the following way: one side is level and is the base line, according to which the width of the triangle is modulated (in D1, the base line is not the center line of the triangles). A quadrilateral strip could not be interpreted in this way, since the width of the strip is constant. By contrast, a triangular strip has a width that changes continuously. Therefore, the triangular strips in figure 5 are interpreted as width-modulated linear structural elements.

In document D2, the "P"s are interpreted as linear structural elements. One side is level and the other side is width-modulated. They represent a halftone image. The term "halftone image" is broad: an accumulation of "P" is also an image.

The same interpretation applies to document D3 as to D1.

Claims 2-4, 8, 11-17, 20 and 22-26:

The subject matter of claims 2-4, 8, 15-17, 20 and 22-26 is known from document D1, the subject matter of claims 2, 3, 11-17, 20 and 22-26 is known from document D2 and the subject matter of claims 15, 20 and 22-26 is known from document D3.

3. The present application does not satisfy the requirements of PCT Article 33(3) because the subject matter of claims 5-7, 9, 10, 18, 19 and 21 does not involve an inventive step.

Dependent claims 5-7, 9, 10, 18, 19 and 21 concern minor modifications of the kind that a person skilled in the art routinely makes on the basis of familiar considerations, especially since the resulting

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International Application No.

PCT/EP 03/08544

advantages are readily foreseeable. Consequently, the subject matter of claims 5-7, 9, 10, 18, 19 and 21 also does not involve an inventive step.